

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

LUIS ENRIQUE MEJIA-CALDERON

PETITIONER

v.

CIVIL ACTION NO. 5:19-cv-42-DCB-MTP

SHAWN R. GILLIS, Warden

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation [ECF No. 19], which is before the Court sua sponte upon the Plaintiff's failure to prosecute this action or provide a current address. No objections to the Report and Recommendation have been filed.

Having carefully reviewed the same, the Court finds Magistrate Judge Parker's Report and Recommendation to be well taken and hereby adopts it as the findings and conclusions of this Court. Magistrate Judge Parker finds, "[t]he record demonstrates that Petitioner has failed for several months to update his address with the Court. Petitioner has also failed to comply with multiple Court orders." [ECF No. 19] at 2. Additionally, the Bureau of Prisons website reflects that Petitioner was released on August 14, 2019, but he has provided no new address. The Court "cannot proceed with Plaintiff's case if he is not willing to participate as a litigant." Santos v.

United States, 2019 WL 1308259, at \*2 (S.D. Tex. Feb. 5, 2019) (citing McCullough v. Lynaugh, 835 F. 2d 1126, 1127 (5th Cir. 1988)).

Accordingly,

IT IS ORDERED AND ADJUDGED that Magistrate Judge Michael T. Parker's Report and Recommendation [ECF No. 19] is ADOPTED as the findings and conclusions of the Court.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus [ECF No. 1] is DISMISSED without prejudice. A final judgment shall be entered of even date herewith in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 26th day of March, 2020.

/s/ David Bramlette\_\_\_\_\_

UNITED STATES DISTRICT JUDGE